

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 24-CV-22523-MOORE/Elfenbein

KENNY ORTEGA,

Plaintiffs,

v.

MIAMI-DADE COUNTY, et al,

Defendants.

ORDER AFTER DISCOVERY HEARING

THIS CAUSE is before the Court on Defendant Miami-Dade County's Notice of Hearing (the "Notice"), ECF No. [60], which informed the Court of the following discovery disputes:

1. Plaintiff's availability for deposition.
2. Plaintiff's computation of each category of damages in his Initial Disclosures.

ECF No. [60] at 1. The Parties appeared before the Court on July 22, 2025 to address the noticed discovery issues (the "Hearing"). *See* ECF Nos. [59] and [66].

At the Hearing, Miami-Dade County informed the Court of an additional issue regarding Plaintiff's failure to respond to Miami-Dade County's Interrogatories and First and Second Requests for Production. The Court ruled on the following oral motions made during the Hearing: (1) Miami-Dade County's Oral Motion to Compel the Deposition of Plaintiff ("Motion to Compel Deposition"), ECF No. [67]; (2) Miami-Dade County's Oral Motion to Compel Better Damages Calculations in Plaintiff's Initial Disclosures ("Motion to Compel Damages Calculations"), ECF No. [69]; and (3) Miami-Dade County's Oral Motion to Compel Responses to Written Discovery

Requests (“Motion to Compel Discovery Responses”), ECF No. [70]. To memorialize the oral rulings from the Hearing, it is **ORDERED and ADJUGED** as follows:

1. For the reasons stated on the record, Miami-Dade County’s Motion to Compel Deposition, **ECF No. [67]**, is **GRANTED**. Plaintiff shall provide Defendants with dates of availability for his deposition **within ten (10) days from the date Plaintiff’s replacement counsel files a notice of appearance in this action or Plaintiff indicates his intent to proceed pro se**, and Plaintiff’s deposition shall occur **within twenty (20) days of such filing**.¹
2. For the reasons stated on the record, Miami-Dade County’s Motion to Compel Damages Calculations, **ECF No. [69]**, is **GRANTED**. Regarding economic damages, Plaintiff must supplement the Initial Disclosures to include a detailed computation and all supporting documentation substantiating the claimed monetary amount. For noneconomic damages, Plaintiff’s amended Initial Disclosures must explicitly clarify whether a specific monetary request will be made to the jury. In the event Plaintiff elects to pursue a precise noneconomic damages figure, the amended Initial Disclosures must provide a comprehensive computation and accompanying documentary evidence supporting the proposed amount. If Plaintiff does not intend to request a precise monetary noneconomic damages figure from the jury and intends to leave that decision entirely to the jury, Plaintiff need not amend the Initial Disclosures to provide a

¹ As explained at the Hearing, the deadlines for Plaintiff to comply were dependent on the Honorable K. Michael Moore’s ruling on then-Plaintiff’s counsel’s Motion to Withdraw, ECF No. [62], and were subject to extension based on that ruling. The deadlines contained within this Order already account for Judge Moore’s ruling on the Motion to Withdraw, entered earlier today, in which he required that, on or before August 21, 2025, Plaintiff retain suitable replacement counsel and have them file a notice of appearance or notify the Court of his intention to proceed pro se and in which he stayed all interim deadlines. *See* ECF No. [77].

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- comprehensive computation or any accompanying documents. Plaintiff shall provide Defendants with amended Initial Disclosures **within ten (10) days from the date Plaintiff's replacement counsel files a notice of appearance in this action or Plaintiff indicates his intent to proceed pro se.**
3. For the reasons stated on the record, Miami-Dade County's Motion to Compel Discovery Responses, **ECF No. [70]**, is **GRANTED**. Plaintiff shall provide his responses to Miami-Dade County's Interrogatories and First and Second Requests for Production **within ten (10) days from the date Plaintiff's replacement counsel files a notice of appearance in this action or Plaintiff indicates his intent to proceed pro se.**
4. The Clerk of Court is **DIRECTED** to serve a copy of this Order on Plaintiff via email at Kortega1719@icloud.com and via mail 6540 Knighthurst Way, Davie FL 33331.

DONE and ORDERED in Chambers in Miami, Florida on July 23, 2025.



MARTY FULGUEIRA ELFENBEIN
UNITED STATES MAGISTRATE JUDGE

cc: All counsel of record

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